

**Communication Submitted With Appeal Brief**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: March 6, 2009

Electronic Signature for Christine M. Holmes: /Christine M. Holmes/

Docket No.: 1323\_001RCE  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
W. P. Dowst et al.

Application No.: 10/603,947

Confirmation No.: 3129

Filed: June 25, 2003

Art Unit: 3749

For: HEATING VESSEL

Examiner: C. D. Price

**COMMUNICATION SUBMITTED WITH APPEAL BRIEF**

MS Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Madam:

An Office Action dated December 10, 2008 was received on the subject application on which a Notice of Appeal and Appeal Brief have been filed. That Office Action re-opened prosecution with new grounds of rejection. However, no new art was cited in that Action.

One of the options suggested in that Office Action was the initiation of a new Appeal by filing a Notice of Appeal and an Appeal Brief. Those documents are therefore being submitted herewith. The appellant's believe that the previously paid Notice of Appeal fee and Appeal Brief fee can be applied to the new Appeal.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0289, under Order No. 1323\_001RCE from which the undersigned is authorized to draw.

Dated: March 6, 2009

Respectfully submitted,

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